

**SUMMARY:** The Applicant was discharged on 18 August 2022 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a Under Other Than Honorable Conditions discharge in lieu of trial by court martial. The Applicant appealed for an upgrade of their discharge characterization, a change to the discharge narrative reason, and a change to the separation code.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 24 October 2024. The Applicant was represented by counsel.

The attached examiner's brief (provided to applicant only), extracted from available service records, contains pertinent data regarding the circumstances and character of the Applicant's military service.

**DISCUSSION:** The Discharge Review Board (DRB), under its responsibility to examine the propriety and equity of an applicant's discharge, is authorized to change the characterization of service and the narrative reason for discharge if such changes are warranted. If applicable, the Board can also change the Applicant's reenry code. In reviewing discharges, the Board presumes regularity in the conduct of governmental affairs unless there is substantial credible evidence to rebut the presumption, to include evidence submitted by the Applicant. The Board completed a thorough review of the circumstances that led to the discharge and the discharge process to determine if the discharge met the pertinent standards of equity and propriety.

The Applicant's record of service included the following documented misconduct leading up to their discharge: N/A

The documentary evidence the Board considered as part of the review includes, but is not limited to the DD Form 293, *Application for the Review of Discharge from the Armed Forces of the United States*, and any additional documentation submitted by applicant and/or counsel; the Applicant's personnel file from the Automated Records Management System (ARMS); and the DRB Brief detailing the Applicant's service information and a summary of the case.

The Applicant is requesting their characterization of service be upgraded to Honorable and narrative reason to Secretarial Authority, with a corresponding separation code. The Applicant was facing a general court martial for allegations that violated Articles 92 (dereliction of duty), 120 (sexual assault), 128 (assault consummated by a battery), and 131b (obstruction of justice) of the UCMJ. The Applicant submitted a request for discharge in lieu of trial by court martial which was approved and resulted in the Applicant's discharge on 18 August 2022. The Applicant is claiming there is nothing in their well-known character or career records to support the allegations made against them, and it would be unjust to allow them to be haunted and hindered for the rest of their life because of them.

The Discharge Review Board (DRB) concluded that there was no impropriety or inequity in the Applicant's discharge from the Air Force. A review of the Applicant's administrative records revealed that the Applicant had voluntarily requested a discharge in lieu of trial by court-martial, in accordance with Air Force Instruction (AFI) 36-3208, *Administrative Separation of Airmen*, paragraph 4.3. As part of the request for discharge, the Applicant understood that the discharge would be characterized as "Under Other Than Honorable Conditions," regardless of any recommendations made. Additionally, the Applicant was aware of the adverse consequences of the discharge, including the potential loss of veterans' benefits and the recoupment of special pay, bonuses, or education assistance funds. Despite this, the Applicant and their counsel did not provide any supporting evidence to justify an upgrade of the discharge. Instead, they simply made a request for an upgrade without providing any substantiating documentation or testimony. According to Department of the Air Force Instruction (DAFI) 36-2023, *The Secretary of the Air Force Personnel*

*Council*, paragraph 3.2.4, the DRB is not an investigative body and presumes that all government affairs are conducted regularly and fairly, unless there is substantial credible evidence to overcome this presumption. The burden of proof lies with the Applicant to provide evidence that the discharge was not proper or equitable. In this case, the Applicant failed to provide any evidence to overcome the presumption of regularity, and therefore, the DRB was unable to grant relief or upgrade the discharge.

Additionally, the Board considered the factors laid out in the attachment to the Under Secretary of Defense memorandum, *Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations*, dated 25 June 2018, known as the “Wilkie Memo.” The Board considered the factors listed in paragraphs (6)(a)-(6)(l) and (7)(a)-(7)(r) of this memorandum and found no evidence of inequity or impropriety.

**FINDING:** The DRB voted unanimously to *deny* the Applicant’s request to upgrade their discharge characterization, to change the discharge narrative reason, and to change the separation code.

**CONCLUSION:** After a thorough review of the available evidence, to include the Applicant’s issues, summary of service, service/medical record entries, and discharge process, the Board found the discharge was proper and equitable. Therefore, the awarded characterization of service shall remain “Under Other Than Honorable Conditions,” the narrative reason for separation shall remain “In Lieu of Trial by Court Martial,” and the reentry code shall remain “2B.” The DRB results were approved by the Presiding Officer on 11 December 2024. If desired, the Applicant can request a list of the Board members and their votes by writing to:

Air Force Discharge Review Board  
3351 Celmers Lane  
Joint Base Andrews, MD 20762-6435

Instructions on how to appeal an AFDRB decision can be found at  
<https://afrbportal.azurewebsites.us>

Attachment:  
Examiner's Brief (Applicant Only)